

by surprise, or that he had not sufficient time to prepare for his defense allowed, or that since his conviction he has discovered new and important testimony in his favor, and, in all cases where the defendant has discovered new testimony, he shall disclose in his petition the nature of such new matter, and the names of the witnesses whereby it may be proven, and he shall verify his petition by the usual forms of the Order.—*July Session, 1848, pp. 290, 291; Code Trials, Rule 35, p. 31.*

34. It is not necessary that an application for a new trial be first made to the Subordinate Lodge before which the trial was first had to entitle the party to an appeal to the Grand Lodge.—*July Session, 1848, p. 295; Code Trials, Rule 39, p. 32.*

35. It is not lawful to declare a brother guilty by the usual show of an Odd Fellow; his guilt or innocence must be determined by ballot.—*Report of G. M., p. 440; Rep. of Com. on State of the Order, p. 475, Nov. Sess., 1862.*

36. The evidence has been taken and the day set for trial. Circumstances might occur to put off trial. The accused might obtain new evidence in vindication, and as the Order is founded in F., L. and T., the greatest indulgence may be shown consistent with the ends of justice and the good of the Order.—*Report of G. M., p. 440, November Session, 1862; Rep. of Com. on State of Order, p. 475.*

37. It is not competent to read the evidence on the evening that the same is reported by the Committee of Examination.—*Report of Com. on Appeals, November Session, 1863, p. 565.*

38. It is not competent or right to try a brother without his consent upon charges after dismissal by the Lodge.—*Report of Com. on Appeals, November Session, 1864, pp. 666, 667.*

39. The Noble Grand has the right to appoint whenever the Sitting Past Grand fails to prosecute the accused.—*Report of Com. on Appeals, Nov. Session, 1866, p. 915.*

40. When a Lodge has, under the Code of Trials, determined to inflict a fine upon the accused member, and several